

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

RODOLFO RAVELO

PETITIONER

v.

CIVIL ACTION NO. 5:15-cv-5-DCB-MTP

BARBARA WAGNER

RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATIONS

This cause is before the Court on Magistrate Judge Michael T. Parker's Report and Recommendations (**docket entry 11**), to which no objections were filed by the Petitioner. Having carefully reviewed the same, the Court finds that the Petitioner is not entitled to pursue his claims in a writ of habeas corpus under 28 U.S.C. § 2241. Furthermore, even if he were to file his claims as a civil rights action, he has not asserted a violation of a constitutionally protected right entitling him to relief pursuant to Bivens v. Six Unknown Named Agents of the Fed. Bureau of Narcotics, 403 U.S. 388 (1971). Moreover, the Government reports that the Petitioner was released from federal custody on or about August 15, 2015. Thus, it appears that the case may be mooted by the Petitioner's release. Therefore, the Court adopts the Report and Recommendations, and shall dismiss the Petition for Writ of Habeas Corpus with prejudice.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Michael T. Parker's Report and Recommendations (**docket entry 11**) is ADOPTED as the findings and conclusions of this Court;

IT IS FURTHER ORDERED that the Petition be dismissed with prejudice.

A Final Judgment dismissing the Petition with prejudice will follow in accordance with Federal Rule of Civil Procedure 58.

SO ORDERED, this the 17th day of November, 2016.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE